

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

\* \* \* \* \*

JONATHAN LEITE,		* Case No.
	Plaintiff,	* 1:15-cv-00280-PB
		*
v.		* Volume: 2
		* Pages: 51-298
CORRECTIONS OFFICERS MATTHEW GOULET,		* Exhibits: 2-5
ELMER VAN HOESSEN, MICHAEL BEATON,		*
LYNN MCLAIN, HEATHER MARQUIS,		*
TREVOR DUBE, RHIANNE SNYDER, EDDY		*
L'HEUREUX, JEFFREY SMITH, DWANE		*
SWEATT, YAIR BALDERRAMA, BOB MORIN,		*
EJIKE ESOBE, AND KATHY BERGERON,		*
	Defendants.	*
		*
* * * * *		*

DEPOSITION OF JONATHAN LEITE

Deposition taken by counsel at the law  
offices of Douglas, Leonard & Garvey,  
Professional Corporation, 14 South  
Street, Suite 5, Concord, New Hampshire,  
on Tuesday, September 26, 2017, from  
9:56 a.m. to 4:33 p.m.

Court Reporter:  
Karen L. Leach, LCR No. 38  
(RSA 310-A:179)

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<p>1 Q. Okay. Trombley. 2 A. <b>I don't remember his name.</b> 3 Q. Is Trombley the G in F Block that was over 4 Garcia? 5 A. <b>Above Garcia?</b> 6 Q. Above Garcia. 7 A. <b>No.</b> 8 Q. Oh, I thought that you were saying there was 9 a G on F Block above Garcia. Maybe -- may I'm not 10 remembering you correctly. 11 A. <b>I don't think so.</b> 12 Q. He was just another G on that block? 13 A. <b>On the unit.</b> 14 Q. Okay. You used the analysis about your 15 temper and a race car. Could you tell me what that 16 was again? 17 A. <b>Before what happened, the assault, I was</b> 18 <b>like a race car with a driver. Like, yeah, I had a</b> 19 <b>temper, but I had control of it, and now it's like a</b> 20 <b>race car with no driver. There is no thought process.</b> 21 <b>I go right from -- okay. If -- if me and you were</b> 22 <b>somewhere and you started showing aggression, there's</b> 23 <b>no thought process there. I go right from zero to</b></p>	<p>1 <b>MR. KING:</b> All right. So I will just have a 2 few additional questions. 3 <b>MR. FREDERICKS:</b> Okay. 4 5 <b>EXAMINATION</b> 6 <b>BY MR. KING:</b> 7 Q. When did you first meet Corrections Officer 8 Kathy Bergeron? 9 A. <b>On my first sentence.</b> 10 Q. Your first incarceration at NCF? 11 A. <b>Yes.</b> 12 Q. And then when you went back to NCF for your 13 second incarceration during which the assault 14 happened, Corrections Officer Bergeron was still 15 working there? 16 A. <b>Yes.</b> 17 Q. And how often would you see her? 18 A. <b>Regularly most days.</b> 19 Q. Did you -- in your second incarceration at 20 NCF, did you have occasion to observe Corrections 21 Officer Bergeron do rounds? 22 A. <b>Yes.</b> 23 Q. What do you remember of your observations of</p>
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<p>1 <b>don't remember what happened. So race car with no</b> 2 <b>driver is what I'm trying to say.</b> 3 Q. Okay. Where did you first hear that 4 analogy? 5 A. <b>I came up with it I thought.</b> 6 Q. Okay. 7 A. <b>I don't know.</b> 8 Q. Just a question. Okay. I'm looking at the 9 expert report that your attorney provided from Albert 10 Drukteinis. Do you recall meeting with this 11 individual? 12 A. <b>Yes.</b> 13 Q. Did you tell him that you would lend money 14 to junkies? 15 A. <b>On the street or in prison?</b> 16 Q. On the street. 17 A. <b>Yeah.</b> 18 Q. Is that what happened when you had the 19 altercation that led to your arrest trying to get 20 money you were owed? 21 A. <b>Uh-huh. Yes.</b> 22 Q. Yes. Okay. 23 <b>MR. FREDERICKS:</b> I think we're all set.</p>	<p>1 her doing rounds? 2 A. <b>I mean I guess you could say the quicker you</b> 3 <b>can get off the block, the better would be my opinion.</b> 4 <b>A lot of times like they would skip over the common</b> 5 <b>bathrooms I was telling -- that I was speaking of</b> 6 <b>earlier. They wouldn't even go in there. Just cruise</b> 7 <b>right by the mop closet. Literally walking by cells</b> 8 <b>and not even looking in. It wasn't just her. It was</b> 9 <b>numerous COs that did that, but she was definitely one</b> 10 <b>of them.</b> 11 Q. Okay. So you observed Corrections Officer 12 Bergeron doing rounds without looking in the cells; is 13 that correct? 14 A. <b>Yes.</b> 15 Q. How frequently would you observe her doing 16 rounds without looking in the cells? 17 A. <b>I mean it's really hard to remember, but it</b> 18 <b>was -- it was a normal practice. I can't say if it</b> 19 <b>was every day or -- but it was regularly.</b> 20 Q. Okay. How long approximately had you been 21 housed in F Block before the assault? 22 A. <b>Roughly about three weeks to a month.</b> 23 Q. Were you assigned to the same bunk for that</p>